

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO: 02-61191-CIV-HUCK

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.

Plaintiff,

vs.

SIGNATURE GRAPHICS, INC., FRANK L.
AMODEO,

Defendants,

and

JAMES SADRIANNA,

Defendant and Third-Party Plaintiff,

vs.

MICHAEL W. HORTON, MORRIS DAVIS,
KENNETH J. SCOTT, STEVE BLAIR, KENNY KOO,
THOMAS GAY, ADAM RUNSDORF, ANDREW
DEAN CLEMMONS, and JUAN C. MEJIA,

Third-Party Defendants.

DEFENDANT, FRANK AMODEO'S INITIAL DISCLOSURE PURSUANT TO RULE 26

Defendant, FRANK L. AMODEO ("AMODEO"), by and through its undersigned counsel and pursuant to Fed.R Civ.P., Rule 26, and in accordance with the Order Regarding Pretrial Schedule dated July 11, 2003, and the parties' agreement, hereby files its initial disclosure and states as follows:

1. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(A), AMODEO hereby identifies

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the following individuals presently known to likely have discoverable information relevant to disputed facts alleged in the pleadings in this case:¹

2. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(A), AMODEO hereby identifies the following individuals presently known to likely have discovery information relative to disputed facts alleged in the pleadings in this case:

- (1) Jorge Acosta
Production Supervisor at printing facility
1837 S.W. 25th Street
Miami, FL 33133
Mr. Acosta has some knowledge of the background facts of this case regarding the state of inventory and control.
- (2) Person with the most knowledge at
Active Card Technologies, LLC
192 Thomas Lane
Stowe, VT 05672
This person has limited knowledge of the background facts of this case regarding the relationship between Active Card Technologies, LLC, as a vendor, and SIE.
- (3) Lorri A. Allen
9146 Baton Rouge Dr.
Orlando, FL 32818
Lorri Allen has limited knowledge of the background facts of this case regarding control of Signature Graphics, Inc. ("SGI").
- (4) Yaniv Amar
3107 W. Hallandale Beach Blvd., Suite 101B
Hallandale, FL 33009
Yaniv Amar has some knowledge of the background facts of this case, regarding the state of inventory and control at printing facility.

¹AMODEO, upon reasonable information and belief, anticipates that Merrill Lynch Business Financial Services, Inc. will amend their Amended Complaint; and, as a result, AMODEO reserves the right to supplement this initial disclosure as additional pleadings are filed and as additional information becomes available.

- (5) Michael Depchuck
Officer, Bank of America
Fort Lauderdale, FL
This person has limited knowledge of Smith International Enterprises ("SIE") bank accounts and bank's relationship.
- (6) John Anthony, Esq.
Gray, Harris, Robinson, P.A.
201 N. Franklin St., Suite 2200
Tampa, FL 33601
Mr. Anthony has knowledge regarding accounts receivable and inventory of SIE.
- (7) Robbin Arnold
Commercial Finance Group
557 N. Wymore Road, #100
Maitland, FL 32751
Robbin Arnold has limited knowledge as to the background facts of this case, regarding control of SGI.
- (8) Steve Bair
9229 Lake Hickory Nut Drive
Winter Garden, FL 34787
Steve Bair has limited knowledge of the background facts of this case, regarding control of SGI.
- (9) Richard Barrett, Esq.
18 Wall St.
Orlando, FL 32801
Upon information and belief, Mr. Barrett has knowledge regarding SIE accounts receivables.
- (10) Sherry Bennett, CPA
Kapila & Company
100 S. Federal Highway, Suite 200
Fort Lauderdale, FL 33316
Sherry Bennett was an associate of Chapter 11 examiner, and has knowledge of the financial condition of SIE examined during bankruptcy proceedings.

- (11) Susan Biernacki, Esq.
Gray, Harris, Robinson, P.A.
201 N. Franklin Street, Suite 2200
Tampa, FL 33601
Susan Biernacki has some knowledge regarding the bankruptcy proceedings of SIE as attendee of 341 meeting.
- (12) Bruce Blackton
Shareholder in SGI
1302 Bryn Mawr Street
Orlando, FL 32804
Mr. Blackton has knowledge of the background facts of this case regarding control of SGI.
- (13) Craig A. Block
Precious Index Equipment, Inc.
700-8 Union Parkway
Ronkonkoma, NY 11779
Mr. Block has limited knowledge regarding the background facts of this case.
- (14) Jeff Braille
Cornerstone Investment Group
1141 S. Rogers Circle, Suite 3
Boca Raton, FL 33487
Mr. Braille has knowledge regarding condition of SIE inventory and conduct of SIE's management.
- (15) Paul Cinnante
c/o Steven Cinnante
3405 Heather Terrace
Lauderhill, FL 33319
Mr. Cinnante has information regarding internal dealings of SIE.
- (16) Steven Cinnante, Paul Cinnante's brother
3405 Heather Terrace
Lauderhill, FL 33319
Steven Cinnante has knowledge regarding internal dealings of SIE.

- (17) Dean Clemmons
Original founder of SGI
2050 Jessup Road
Oviedo, FL 32765
Mr. Clemmons has limited knowledge of the background facts of this case.
- (18) Pilar Concha
Former owner of SIE
21346 St. Andrews Blvd.
Boca Raton, FL 33433
Has knowledge of the facts of this case regarding general dealings of SIE.
- (19) Hersilia Concha, Pilar's mother
21346 St. Andrews Blvd.
Boca Raton, FL 33433
Hersilia Concha has knowledge of the background facts of this case regarding every day operations of SIE and its management.
- (20) Michael D'Angelo
6191 N.W. 32nd Way
Fort Lauderdale, FL 33309
Mr. D'Angelo has knowledge regarding business operations of SIE.
- (21) Morris Davis, Owner of Davis Digital Printing and director of SGI
14403 Ainsdale Court
Orlando, FL 32828
Mr. Morris has knowledge of the facts of this case and operations and conduct of SGI, and plant facility and inventory at SIE.
- (22) Brian Davis, son of Morris Davis and sales manager of Davis Digital Printing
c/o Morris Davis
14403 Ainsdale Court
Orlando, FL 32828
Brian Davis has knowledge of the background facts of this case and the financial condition of SGI.
- (23) Mary Beth Devita, Officer, Bank of America
2905 Edgewater Drive
Orlando, FL 32804
Ms. Devita has knowledge regarding the signatories and persons in control of the accounts of SGI.

- (24) Dennis Dressler, Esq.
Askounis & Borst, P.C.
303 E. Wacker Drive, Suite 1000
Chicago, IL 60601
Mr. Dressler has represented one of the creditors of SIE, has knowledge regarding missing assets of SIE.
- (25) Escamillia Echeverra, Esq.
U.S. Trustee's Office
135 W. Central Blvd.
Orlando, FL 32801
Ms. Echeverra was involved in the bankruptcy proceedings regarding SIE as an attorney for Trustee and has knowledge regarding condition of SIE's assets.
- (26) Thomas Gay, Director of SGI
4141 Edgewater Drive
Orlando, FL 32804
Thomas Gay has knowledge regarding organizational structure of SGI and investments in the printing business.
- (27) Jerry Gay, Thomas Gay's brother and investor
1916 Campvett Street
Orlando, FL 32806
Jerry Gay has limited knowledge of the background facts of this case.
- (28) Jonathan R. Geller, owner of SGI, former owner of Visible Dimensions
Precious Index Equipment, Inc.
700-8 Union Parkway
Ronkonkoma, NY 11779
Mr. Geller has knowledge of the background facts of this case regarding operations of SGI.
- (29) J. Bennett Grocock
IVest Financial Services, Inc.
455 S. Orange Avenue
Suite 500
Orlando, FL 32801
Mr. Grocock has limited knowledge of the background facts of this case.

- (30) Alysa Harper
U.S. Trustee Analyst
135 W. Central Blvd.
Orlando, FL 32801
Ms. Harper has knowledge of the background facts of this case, as analyst of bankruptcy estate who originally reviewed the documents.
- (31) Peter Hill, Esq.
1851 W. Colonial Drive
Orlando, FL 32804
Peter Hill has knowledge regarding proof of fraud as stated in the Merrill Lynch Amended Complaint.
- (32) Edward Hoffman, President
Browning Communication
398 S. Shell Road
DeBary, FL 32713
Mr. Hoffman has knowledge regarding state of inventory at SIE.
- (33) Ira Horowitz
Owner of American Banknote Corporation
560 Sylvan Avenue
Englewood Cliffs, NJ 07632
Upon information and belief, Ira Horowitz has knowledge regarding actual financial condition of SIE.
- (34) Michael Horton
Officer and director of SGI
4661 Parker Court
Oviedo, FL 32765
Michael Horton has knowledge of the background facts of this case regarding organizational structure and daily business activities of SGI.
- (35) Allen F. Horton, father of Michael Horton
c/o Michael Horton
4661 Parker Court
Oviedo, FL 32765
Allen Horton is an investor and father of Michael Horton and has some knowledge of the background facts of this case.

- (36) Marcia Horton, wife of Michael Horton
4661 Parker Court
Oviedo, FL 32765
Marcia Horton, as the wife of Michael Horton, has some knowledge of the background facts of this case regarding the operations of SGI.
- (37) Patti Hunter, paralegal at
Berger Singerman
350 E. Las Olas Blvd.
Fort Lauderdale, FL 33301
Ms. Hunter was handling the SIE file at Berger Singerman and is familiar with corporate records of SIE.
- (38) Lawrence Hyman, CPA
307 S. Boulevard, Suite B
Tampa, FL 33679
Lawrence Hyman was employed as the expert for Merrill Lynch and has knowledge of the corporate records of SIE and SGI.
- (39) Kirk Iller, Chief Operational Officer at Visible Dimensions and SGI
2873 Naples Drive
Winter Park, FL 32789
Kirk Iller was employed by SGI as Chief Operational Officer and has knowledge regarding daily operation activities of SGI.
- (40) Roger Johnson, salesman for SGI
Address unknown
Roger Johnson has limited knowledge regarding operations and structure of SGI.
- (41) Bobbie Joyce
Officer of Bank of America
2905 Edgewater Drive
Orlando, FL 32804
Bobbie Joyce has knowledge regarding the signators and person in control of SGI's accounts at the Bank of America.

- (42) Soneet Kapila
Kapila & Company
100 S. Federal Highway, Suite 200
Fort Lauderdale, FL 33316
Soneet Kapila is a Chapter 11 examiner, has knowledge regarding statements made in the Chapter 11 Examiner's report.
- (43) David Kober
American Banknote Corp.
560 Sylvan Avenue
Englewood Cliffs, NJ 07632
David Kober has some knowledge regarding the financial condition of SIE.
- (44) Kenneth Koo, Director and owner of Apopka Printing
2671 Kerwood Circle
Orlando, FL 32810
Kenneth Koo has some knowledge of the facts of this case.
- (45) Howard B. Koslow, President
Sun Capital, Inc.
929 Clint Moore Road
Boca Raton, FL 33487
Howard Koslow has limited knowledge of SGI's condition and financial situation.
- (46) James Lane, CPA
Tedder James, et al.
11 S. Bumby Avenue
Orlando, FL 32803
James Lane has limited knowledge regarding SGI's plans for control.
- (47) Ted Lopez
1124 S. Bear Lake Road
Apopka, FL 32703
Ted Lopez was a driver who worked for Michael Horton at SGI and Morris Davis at VDX and has knowledge regarding the control of SGI.
- (48) Suzelle Lundy
5159 Rebecca Court
Orlando, FL 32810
Suzelle Lundy worked for Michael Horton at SGI and Morris Davis at VDX and has knowledge regarding control of SGI.

- (49) Tim Mahoney
Union Atlantic, LC
Address Unknown
Tim Mahoney was a potential investor and has limited knowledge of the background facts of this case.
- (50) Frank Manina, Salesman for SGI, now at Apopka Printing
Address unknown
Frank Manina has limited knowledge regarding operations and organizational structure of SGI.
- (51) Amanda May
NOW Communications
Address unknown
Amanda May has limited knowledge regarding former operation of SIE.
- (52) Steve Meistle, Controller of SGI
8157 Princess Palm Circle
Tamarac, FL 33321
Steve Meistle has knowledge regarding the financial condition of SGI.
- (53) Robert Morrison
Tedder James, et al.
11 S. Bumby Avenue
Orlando, FL 32803
Robert Morrison was the first examiner of the case and has limited knowledge regarding the background facts of this case.
- (54) Scott Newman, Officer of Merrill Lynch Business Services
222 N. LaSalle Street, 17th Floor
Chicago, IL 60601
Mr. Newman is the officer of Merrill Lynch and has knowledge regarding the background facts of this case.
- (55) Neil Normondo, Production manager at SIE
6253 Mullin Street
Jupiter, FL 33456
Neil Normondo has knowledge regarding the state of inventory and equipment at SIE.

- (56) James Orr, Chapter 7 Trustee
P. O. Box 780519
Orlando, FL 32878-0519
James Orr was a trustee appointed by the Bankruptcy Court for SIE and has knowledge regarding the financial condition of SIE.
- (57) Anne Owsianik, employee of SGI
3217 Feather Lane
Kissimmee, FL 34746
Anne Owsianik was responsible for accounts receivables at SGI and has knowledge regarding financial statements of SGI.
- (58) Person with the most knowledge at Pace Industries, Inc.
1400 Industrial St.
Reedsburg, WI 53939
This person has knowledge of the relationship between SGI and Pace Industries, Inc. as its vendor.
- (59) Beth Parker, Representative of Digitech
Address Unknown
Digitech was the former customer of SIE and this person has knowledge regarding SIE's accounts receivables from Digitech.
- (60) David Pederson, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
P. O. Box 2809
Orlando, FL 32802-2809
David Pederson was hired by SGI and has knowledge regarding background facts of this case.
- (61) Person with the most knowledge at Piedmont Plastics, Inc.
P. O. Box 890216
Charlotte, NC 28289-0216
Piedmont Plastics was a vendor of SIE and has knowledge regarding the financial condition of SIE prior to SGI's involvement.
- (62) Bill Porter, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
P. O. Box 2809
Orlando, FL 32802-2809
Bill Porter was hired by SGI and has knowledge of the background facts of this case.

- (63) Tom Quigley
The Card Room
Address unknown
Tom Quigley was the customer who has knowledge regarding dealings between his entity and SIE.
- (64) Bruce J. Reingold, CPA
9033 Glades Road, Suite C
Boca Raton, FL 33434
Bruce Reingold was a former CPA for SIE and has knowledge of the financial condition of SIE.
- (65) Scott Rogers, Esq.
Stump, Storey & Callahan, P.A.
37 N. Orange Avenue
Orlando, FL 32801
Scott Rogers was the attorney for Michael Horton and has some knowledge regarding background facts of this case.
- (66) George Sarafianos
4440 N.E. 22nd Avenue
Lighthouse Point, FL 33064
George Sarafianos has knowledge of the facts of this case.
- (67) Ken Scott, CPA, director and owner of SGI
2156 Huron Trail
Maitland, FL 32751
Ken Scott has knowledge regarding the organizational structure of SGI.
- (68) Bhavini Shah, Employee of SGI
2235 Riverpark CR #517
Orlando, FL 32817
Mr. Shah has some knowledge regarding control of SGI.
- (69) Adam Singer, CPA
Cornerstone Investment Group
1141 S. Rogers Circle, Ste. 3
Boca Raton, FL 33487
Adam Singer performed due diligence on SIE in February, March, and July of 2001, and has knowledge of the financial condition of SIE.

- (70) Donna Skaro-Fuson, Accountant at SIE in charge of accounts receivables
9167 Ramblewood Drive
Coral Springs, FL 33071
Ms. Skaro-Fusan has knowledge regarding accounts receivables at SIE.
- (71) C. Leo Smith, former owner of SIE
824 Southeast 8th Street
Fort Lauderdale, FL 33316
Mr. Smith has knowledge of the material facts of this case.
- (72) Jennifer Smith
608 Banderas Avenue
Ocoee, FL 34761
Jennifer Smith has knowledge regarding control of Apopka Printers.
- (73) Troy Smith, owner of American Reprographics
750 Clay Street
Winter Park, FL 32789
Troy Smith has limited knowledge of the background facts of this case.
- (74) Brett Spencer, Responsible for computer management information systems at Notroh
36 Cervidae Drive
Apopka, FL 32703
Brett Spencer has limited knowledge regarding control of SIE and SGI.
- (75) Scott Spradley, Esq.
Gray, Harris, Robinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, FL 32801
Scott Spradley is an attorney for Visible Dimensions, JLC Holdings and Merrill Lynch and has knowledge regarding the conflict of interest by Merrill Lynch attorneys in this case.
- (76) Sandra Statner
3381 N.W. 47th Avenue
Coconut Creek, FL 33063
Sandra Statner has knowledge regarding control at SIE.

- (77) Miriam Suarez, Esq.
U.S. Trustee's Office
135 W. Central Blvd.
Orlando, FL 32801
Miriam Suarez is an attorney for the United States Trustee's Office and was involved in the bankruptcy proceedings with respect to SIE and has limited knowledge of the background facts of this case.
- (78) Robert Thomas, Esq., Chapter 7 Trustee for Visible Dimensions
P. O. Box 50705
Winter Park, FL 32793-5075
Robert Thomas is the Trustee for Visible Dimensions in bankruptcy proceedings for that entity and has knowledge of the background facts of this case.
- (79) Susan Ann Thompson, Shareholder and owner of SGI
833 Greens Avenue
Winter Park, FL 32789
Susan Ann Thompson as a shareholder and owner of SGI and has knowledge regarding organizational structure of SGI.
- (80) Hugh K. Tollison, Shareholder of SGI
P. O. Box 937
Fernandina Beach, FL 32034
Hugh Tollison as a shareholder of SGI has knowledge regarding organizational structure of SGI.
- (81) Juan Ulloa, allegedly employed by SIE prior to bankruptcy
199 Ocean Lane Drive
Key Biscayne, FL 33149
Juan Ulloa is allegedly a son of one of the Columbian embassy officials and was paid salary by SIE prior to SGI's involvement. Juan Ulloa has knowledge of the organizational structure and operations of SIE prior to SGI's involvement.
- (82) Kate Wilhelm
Officer, Bank of America
10 Light Street, 24th Floor
Baltimore, MD 21202
Kate Wilhelm has knowledge regarding signators and person in control of SGI's accounts.

- (83) Person with the most knowledge at
9278 Distributors
1942 Williamsbridge Road
Pelham Parkway
Bronx, NY 10461
9278 Distributors was a customer of SIE from whom money appears to have been diverted.
- (84) Person with the most knowledge at Skytel
468 Woodbury Pines
Orlando, FL 32828
Skytel was the customer of SIE, from whom money appears to have been diverted.
- (85) Person with the most knowledge at Miami Quality Graphics
3705 N.W. 51st Street
Miami, FL 33142
Miami Quality Graphics was allegedly a party that SGI was possibly to acquire.
- (86) Person with the most knowledge at Card USA, Inc.
201 N. Ocean Drive
Hollywood, FL 33019
Card USA, Inc. was a customer of SIE, and this person has knowledge of the relationship between SIE and its entity.
- (87) Person with the most knowledge at Federal Express
P. O. Box 1140
Memphis, TN 38101-1140
Federal Express is a creditor of SIE and this person has knowledge regarding the relationship between SIE and its creditor.
- (88) Person with the most knowledge at Scratch Off Systems
7324 Valley View Drive
Cleveland, OH 44131
Scratch Off Systems is a vendor that has knowledge regarding SGI and SIE's joint production.

3. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(B), AMODEO gives notice that all of the relevant documents that he is aware of at this time have been attached to his responsive pleading to Merrill Lynch's Amended Complaint; thousands of additional documents have been produced to Merrill

Lynch pursuant to its request for production. Discovery is in progress and AMODEO reserves the right to produce other documents relevant to disputed facts alleged with particularity in the pleadings. AMODEO notes that Plaintiff, Merrill Lynch Business Financial Services, Inc., has not yet filed its second amended complaint, which AMODEO has reason to believe is forthcoming; and, that the filing of a second amended complaint may warrant the identification of further documents. Further, AMODEO continues to conduct a good faith search for relevant documents.

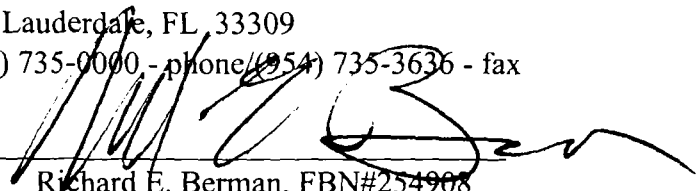
4. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(C), AMODEO hereby gives notice that as of this date it does not have documents to present a computation of its damages beyond those described in paragraph 2. AMODEO seeks such damages (including, but not limited to attorneys' fees and costs) as may be determined by this Court as a result of the foregoing action and pursuant to §57.041, Florida Statutes and §86.081, Florida Statutes and other applicable law referred to in Merrill Lynch's Amended Complaint. Discovery is still in progress and AMODEO reserves the right to produce other documents relevant to its damages.

5. Pursuant to Federal Rules of Civil Procedure 26(a)(1)(D), AMODEO hereby gives notice that, at the present time, he is not aware of any insurance policy or policies that may exist to satisfy all or part of the judgment that may be rendered in this case.

6. Pursuant to Federal Rules of Civil Procedure 26(a)(2), AMODEO hereby gives notice that, at the present time AMODEO has retained Laurie Holtz, CPA of Rachlin Cohen & Holtz, Miami, Florida as an expert witness for the purposes of giving testimony at trial in addition to the witnesses listed in AMODEO's previous designation of expert witnesses filed with this Court on or about May 19, 2003. A true and complete list of all expert witnesses will be available at a time provided by this Court's Order

in relation to pretrial schedule.

I HEREBY CERTIFY that on this 8th day of August, 2003, a true and correct copy of the above and foregoing was furnished by U.S. Mail and by Fax to all persons listed on the attached Service List.

Respectfully submitted,
BERMAN & KEAN, P.A.
Attorneys for Defendant, AMODEO
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(954) 735-0000 - phone / (954) 735-3636 - fax
By: 
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